

Exhibit A

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*Attorneys for Plaintiff
X Corp.*

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

X CORP., a Nevada corporation,

Plaintiff,

vs.

BRIGHT DATA LTD., an Israeli
corporation,

Defendant.

Case No. 3:23-cv-03698-WHA

DECLARATION OF HAOFEI WANG

I, Haofei Wang, state and declare as follows:

1. I am a Director of Engineering at X Corp. I have worked at X Corp. (formerly Twitter, Inc.) since October 2021. Prior to becoming a Director of Engineering in July of 2023, I held the position of Senior Manager, ML Engineering. The facts set forth in this declaration are based on my personal knowledge derived from working at X Corp.

2. As Director of Engineering, I am personally involved in X Corp.'s efforts to prevent unauthorized data scraping and automated access to the X platform, which includes the X websites, mobile applications, and backend software, servers, worldwide network, and technological infrastructure.

3. Data scraping is the unauthorized extraction of data from X Corp.'s platform through automated means, often involving circumvention of the technological measures X Corp. puts in place to prevent automated scraping and protect the integrity and functionality of the X platform.

4. X Corp. employs a variety of technological measures to prevent, detect, and stop unauthorized data scraping. X Corp. uses industry-standard automation prevention techniques, including CAPTCHAs, to prevent automated systems from accessing and scraping data from the X platform. CAPTCHA stands for "Completely Automated Public Turing test to tell Computers and Humans Apart." CAPTCHAs are challenge tests, often involving assorted pictures, characters, or tasks, designed to prevent bots and automated systems from accessing online platforms. Due to the potential harm caused by scraping and other unauthorized computer access, CAPTCHAs are widely used throughout the online industry.

5. In addition to CAPTCHAs, X Corp. attempts to protect its platform from scraping and other automated access through the use of user identification and IP rate limits, IP blocking, geographical access restrictions, lockouts, and anomaly detection tools. When unauthorized scraping and automated access is detected, X Corp. limits responses to server calls and uses

lockout mechanisms to limit access to the platform.

6. Unlike open access websites, X Corp. does not make its platform and data broadly available to the general public. Rather, in order to gain full access to the X platform when visiting twitter.com, x.com, or downloading the X mobile application, a user must expressly agree to X Corp.'s Terms of Service, Privacy Policy, and Cookie Use policy by registering for an X account.

7. When an unregistered user visits the X homepage at x.com or twitter.com, the user is invited to create an account or sign in and notified that by signing up, the user will be agreeing to the X Corp. Terms of Service, Privacy Policy, and Cookie Use policy. Links to the policies are shown directly below the "Create account" button and again at the bottom of the page, as shown in Attachment 1.

8. Those who click to create an account are taken through a five-step process designed confirm human identity and prevent automated access, as follows:

- STEP 1—users must provide a name, phone number, and date of birth. *See* Attachment 2.
- STEP 2—users must elect whether or not to customize their experience. At this stage, users are again reminded that they are agreeing to X Corp.'s Terms, Privacy Policy, and Cookie Use policy and provided blue links to those policies. Users must affirmatively click "Next" to proceed. *See* Attachment 3.
- STEP 3—users must confirm their name, phone number, and date of birth. At this stage, users are again reminded that by signing up they agree to X Corp.'s Terms of Service, Privacy Policy, and Cookie Use policy and provided with blue links to the policies. To proceed further, users must affirmatively click the "Sign up" button. *See* Attachment 4.
- STEP 4—users must pass a CAPTCHA test and/or verify their identity by

entering a code sent by SMS text to the phone number they provide. *See* Attachment 5.

➤ STEP 5—users must create a password. *See* Attachment 6.

9. Although registered users gain access to the X platform and data, such access is limited. To protect the X user experience, ensure the functionality of the X platform, and to prevent scraping and automated access, X Corp. limits the access of registered X users in a variety of ways, including by setting limits on the number of accounts a registered user may follow.

10. Unregistered users' ability to access X posts or data by visiting x.com, twitter.com, or the X mobile application is highly circumscribed. If an unregistered user accesses a registered user's profile page, the unregistered user is shown only a curated sample of the registered user's posts, rather than all of that user's posts. Additionally, an unregistered user may access a specific, individual post through a link to that specific post. Through internet search engines, such as Google, unregistered users may also access a limited subset of posts based on their search results. Unregistered users may not, however, freely browse the X platform, nor may they access any replies to, or likes of, any posts, nor may they interact with posts. When viewing the posts to which they have access, unregistered users are also provided with a link to the Terms of Service, Privacy Policy, and Cookie Use policy in the top right corner of the page.

11. X Corp. incurs considerable expense providing and maintaining the X platform and taking measures to detect and prevent scraping. Automated scraping in high volumes has potential to harm the X platform and diminish the user experience.

12. While X Corp. takes considerably measures to protect its platform and data from unauthorized scraping and automated access, as with any security system or protocol, bad actors have been able to devise technological means, including through deceptive means, such as proxy

IP addresses and unblocking tools, in order to conduct unauthorized automated scraping in violation of X Corp.'s Terms of Service.

13. Attachments 1-6 are true and correct copies of printouts from the X website.

Pursuant to 17 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

EXECUTED on this 7 day of February, 2024 in San Francisco, California.

A handwritten signature in black ink, appearing to read 'Hao Fei Wang', is written over a horizontal line.

HAOFEI WANG